

Congress of the United States

Washington, DC 20515

January 19, 2023

VIA ELECTRONIC TRANSMISSION

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

The Honorable Alejandro N. Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Ave., NW
Washington, DC 20016

Dear Mr. President and Secretary Mayorkas:

Thank you for your service and leadership. We write to express our sentiments and concerns regarding the Biden-Harris Administration's (the "Administration") new border enforcement measures.

On January 5, 2023, the Biden-Harris Administration unveiled its new border enforcement policies.¹ At the outset, we would like to commend the Administration for remaining steadfast in President Biden's commitment to modernize and strengthen the United States' immigration system.² Although we do have concerns regarding some of the new policies—specifically as it relates to the Republic of Haiti—we understand that reforming the U.S. immigration system is a massive and complex undertaking.

For decades, Democratic and Republican administrations have differed on their stance on immigration reform. Historically, Democrats have placed a greater importance on paths to legal status for those who have entered the United States illegally—especially those who entered as children—while Republicans place particular importance on border security and deportations of immigrants who are in the country illegally.³ This double-sided approach has resulted in a broken and fragmented immigration system. We believe that these foci are not incompatible, and there is room for compromise and modernization.

In recent history, Democratic administrations have made some progress in reforming the immigration system with legislative proposals like the Development, Relief, and Education for Alien Minors ("DREAM") Act,⁴ and the implementation of initiatives such as Deferred Action

¹ The White House, *Fact Sheet: Biden-Harris Administration Announces New Border Enforcement Actions*, The White House, Jan. 5, 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/05/fact-sheet-biden-harris-administration-announces-new-border-enforcement-actions/>.

² On his first day in office, President Joseph R. Biden sent an immigration bill to Congress as part of his commitment to modernize the U.S. immigration system. The *U.S. Citizenship Act of 2021* establishes a new system to responsibly manage and secure the border, keep families and communities safe, and better manage migration across the Hemisphere.

³ J. Baxter Oliphant, et. al, *Republicans and Democrats Have Different Top Priorities for U.S. Immigration Policy*, Pew Research Center, Sep. 8, 2022, <https://www.pewresearch.org/fact-tank/2022/09/08/republicans-and-democrats-have-different-top-priorities-for-u-s-immigration-policy/>.

⁴ The DREAM Act would provide current, former, and future undocumented high-school graduates and GED recipients a pathway to U.S. citizenship through college, work, or the armed services.

for Childhood Arrivals (“DACA”)⁵ and Deferred Action for Parents of Americans and Lawful Permanent Residents (“DAPA”).⁶ However, no administration has ever succeeded in achieving comprehensive immigration reform. As such, the Biden-Harris Administration’s executive plan to secure the border, reduce the number of individuals crossing unlawfully between ports of entry, and expand and expedite legal pathways for orderly migration is a positive first step in the right direction.⁷

I. The Biden-Harris Administration’s Progress on Border Security

As stated above, there are several aspects of the new border enforcement policies introduced by the Biden-Harris Administration that we support. Specifically, we applaud the Administration for following through with President Biden’s commitment under the *Los Angeles Declaration for Migration and Protection*⁸ to increase refugee resettlement from the Western Hemisphere. Under the new policies, the Administration intends to welcome up to 20,000 refugees from Latin American and Caribbean (“LAC”) countries during FY2023 and FY2024, which will more than triple refugee admissions from the Western Hemisphere this fiscal year alone. Additionally, we were pleased to learn of the CBP One™ mobile application, which will allow noncitizens located in Central and Northern Mexico seeking to enter the United States lawfully through a U.S. port of entry to schedule an appointment to present themselves for inspection and to initiate a protection claim instead of coming directly to a port of entry to wait. The CBP One™ mobile application will not only modernize and streamline the entry process, but it will also allow for safe, orderly, and humane processing.

However, we do have some concerns with the application. Specifically, as it relates to privacy, the application has tracking capabilities, which raises some constitutional questions. Additionally, there are language access issues that disadvantage certain populations. Noticeably, the application is only available in English and Spanish, but not Haitian Creole (or Kreyòl) and French, which disadvantages Haitian nationals. It is our hope that the Administration will rectify these issues without delay.

We also would like to understand how each application will be processed and how long it may take. The danger is that the process may frustrate migrants, and they will choose to undertake the journey to the United States despite the opportunity the new pathways provide.

Moreover, we strongly support the Administration’s decision to increase humanitarian assistance in Mexico and Central America by \$23 million. This increased assistance will help governments

⁵ The Barack H. Obama Administration created DACA in 2012. The program allows certain, unlawfully present non-U.S. nationals (aliens) who arrived in the United States as children to obtain deferred action (i.e., an assurance that they will not face removal) and work authorization, among other benefits, in renewable two-year periods. To be eligible for DACA, aliens must meet certain criteria, including that they came to the United States under the age of 16, have continuously resided in the United States since June 15, 2007, were under the age of 31 on June 15, 2012, and meet other requirements related to education and lack of criminal history.

⁶ The Barack H. Obama Administration created DAPA in 2014. The program allows parents of U.S. citizens and lawful permanent residents (LPRs) to request deferred action and employment authorization if they meet residency and other criteria and pass required background checks.

⁷ The White House, *supra* note 1.

⁸ The *Los Angeles Declaration on Migration and Protection*, signed by leaders from countries across the Western Hemisphere at the conclusion of the June 2022 Summit of the Americas, commits their governments to expand legal migration pathways, support immigrant integration, invest in migration management, and coordinate responses to mass migration movements and displacement crises.

in the region better respond to the humanitarian and protection needs of migrants, refugees, and other vulnerable populations in their care. Lastly, we agree with the surge of resources to secure the border, disrupt criminal smuggling networks, and support border communities.

II. Concerns with the Biden-Harris Administration's Border Enforcement Actions

A. The Biden-Harris Administration's Expansion of Title 42

Following the emergence of the COVID-19 pandemic in March 2020, the Donald J. Trump Administration invoked Title 42,⁹ a World War II-era public health law, under the guise of preventing the spread of communicable diseases.¹⁰ However, the Trump Administration misused the antiquated law—which was once used to bar the entrance of ships from China and the Philippines amid a meningitis outbreak¹¹—to quickly expel migrants from the United States without having to consider them for asylum.¹² This discriminatory and inhumane practice runs counter to the United States' storied history as a country of immigrants.

Last year, the Biden-Harris Administration announced its intention to end Title 42 by May 2022, arguing that the measure is no longer justified on public-health grounds as COVID-19 infection rates have sharply declined.¹³ However, due to a series of legal challenges, the law remains in effect and is currently under judicial review by the U.S. Supreme Court.¹⁴

Since assuming office, the Biden-Harris Administration has continued to enforce Title 42 and has expelled more than 2 million migrants at the border who have entered the country illegally, many of whom are seeking asylum.¹⁵ Two weeks ago, the Administration announced its plan to expand the controversial Trump-era policy and apply it to Venezuelan, Haitian, Cuban, and Nicaraguan migrants, rather than put an end to the controversial practice.¹⁶ It is concerning that a Democratic and progressive administration would continue to enforce a policy rooted in discrimination and xenophobia.

⁹ Whenever the Surgeon General determines that by reason of the existence of any communicable disease in a foreign country there is serious danger of the introduction of such disease into the United States, and that this danger is so increased by the introduction of persons or property from such country that a suspension of the right to introduce such persons and property is required in the interest of the public health, the Surgeon General, in accordance with regulations approved by the President, shall have the power to prohibit, in whole or in part, the introduction of persons and property from such countries or places as he shall designate in order to avert such danger, and for such period of time as he may deem necessary for such purpose. (July 1, 1944, ch. 373, title III, §362, 58 Stat. 704.)

¹⁰ Nick Miroff, *Coronavirus: Amid Outbreak, Trump Administration Has Expelled 10,000 Migrants at the Border*, Wash. Post, Apr. 9, 2020, https://www.washingtonpost.com/national/trump-administration-has-expelled-10000-migrants-at-the-border-during-coronavirus-outbreak/2020/04/09/b177c534-7a7b-11ea-8cec-530b4044a458_story.html.

¹¹ Uriel J. Garcia, *Here's What You Need to Know About Title 42, the Pandemic-era Policy That Quickly Sends Migrants to Mexico*, Tex. Tribune, Apr. 29, 2022, <https://www.texastribune.org/2022/04/29/immigration-title-42-biden/>.

¹² *Id.*

¹³ Camilo Montoya-Galvez, *What Is Title 42, the COVID Border Policy Used to Expel Migrants?*, CBS News, Jan. 2, 2023, <https://www.cbsnews.com/news/title-42-immigration-border-biden-covid-19-cdc/>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ The White House, *supra* note 1.

B. The Venezuela Parole Initiative

Venezuela is under the undemocratic rule of President Nicolás Maduro.¹⁷ From 2014 to 2021, Venezuela's economy contracted by 80% and exhibited one of the world's highest rates of hyperinflation.¹⁸ Since then, the country has experienced food insecurity and a collapse of health and other social services that have left 7 million people in need of humanitarian assistance.¹⁹ This led over 7.1 million Venezuelans to flee the country.²⁰ Many of them have chosen to travel north toward the United States.²¹

In FY2022, the U.S. Department of Homeland Security's ("DHS") Customs and Border Protection ("CBP") recorded 187,716 encounters of Venezuelan nationals at or between ports of entry along the U.S.-Mexico land border.²² As a result, in October 2022, the Biden-Harris Administration announced new policies to address the record levels of Venezuelans encountered at the border.²³ Under the new policies, Venezuelans apprehended between ports of entry are subject to Title 42, which allows CBP to expel migrants to Mexico and allows up to 24,000 Venezuelans who are outside of the United States to travel by air to the U.S. interior and be paroled into the country.²⁴

According to the Biden-Harris Administration, the border enforcement policies resulted in a 90 percent decrease in illegal crossings of Venezuelan nationals.²⁵ However, a troubling aspect of the new policies is that they subject individuals who attempt to enter the United States without permission, do not have a legal basis to remain, and cannot be expelled pursuant to Title 42, to expedited removal to their country of origin and a five-year ban on reentry.²⁶ Interestingly, Venezuelan nationals who illegally enter the United States are barred from returning to their country of origin.²⁷ As a result, prospective asylum seekers are deported to Mexico rather than their home country.²⁸ This will lead to many migrants being stranded in less-than-optimal conditions for settlement in Mexico.

Now, the Biden-Harris Administration seeks to expand the parole process for Venezuelans to Haitians, Cubans, and Nicaraguans.²⁹ Under the new policies, the Administration will permit up to 30,000 individuals per month from Venezuela, Haiti, Cuba, and Nicaragua—who have an

¹⁷ Francisco Toro, et. al, *Why Nicolás Maduro Clings to Power*, The Atlantic, May 30, 2018, <https://www.theatlantic.com/international/archive/2018/05/maduro-venezuela/561443/>.

¹⁸ Clare Ribando Seelke, *Venezuela: Political Crisis and U.S. Policy*, CRS, Dec. 2, 2022, <https://www.crs.gov/Reports/IF10230?source=search>.

¹⁹ *Id.*

²⁰ *Id.*

²¹ Associated Press, *Increase in Venezuelan Migration Is Felt Across U.S.*, U.S. News, Sep. 2022, <https://www.usnews.com/news/us/articles/2022-09-21/increase-in-venezuelan-migration-is-felt-across-us>.

²² Audrey Singer, et. al, *New Immigration Policies Related to Venezuelan Migrants*, CRS, Oct. 25, 2022, <https://crsreports.congress.gov/product/pdf/IN/IN12040>.

²³ *Id.*

²⁴ *Id.*

²⁵ Uriel J. García, et. al, *Ahead of El Paso Visit, Biden Says U.S. Will Allow 30,000 Migrants from Four Countries to Enter Monthly*, Tex. Tribune, Jan. 5, 2023, <https://www.texastribune.org/2023/01/05/joe-biden-immigration-plan-el-paso-texas/>.

²⁶ The White House, *supra* note 1.

²⁷ García, *supra* note 25.

²⁸ *Id.*

²⁹ The White House, *supra* note 1.

eligible sponsor and pass vetting and background checks—to enter the United States for a period of two years and receive work authorization.³⁰ Furthermore, individuals who fail to comply with the Biden-Harris Administration’s new pathways will be ineligible for the parole process and will be subject to removal or expulsion to Mexico.³¹ We fear that many will be left in Mexico, where they cannot be easily resettled and could become prey to organized crime. Moreover, in desperation, they may attempt to cross the land border between ports of entry.

C. The Republic of Haiti

On July 7, 2021, the President of Haiti, Jovenel Moïse, was assassinated by foreign mercenaries.³² Since then, the Republic of Haiti has been plagued by political instability.³³ The country lacks an elected president,³⁴ is without a single democratically elected government official,³⁵ and has a dysfunctional high court due to a lack of judges.³⁶ Additionally, the Caribbean nation has been hard-hit by devastating natural disasters.³⁷ Moreover, the country is marred by gang violence, fuel shortages, and a cholera epidemic.³⁸

Today, hunger and violence threaten to kill thousands of Haitians. According to an October 2022 UN World Food Programme and the Food and Agriculture Organization report, “a record 4.7 million people face acute hunger[,] and almost 20,000 people are enduring ‘catastrophic hunger,’ meaning they are at risk of starving to death.”³⁹ It is estimated that 2.4 million school-aged children are not enrolled, as eighty percent of schools are closed due to ongoing gang violence.⁴⁰ Unfortunately, many unenrolled adolescents have been recruited by the gangs via social media and now make up roughly sixty percent of the gang members.

³⁰ *Id.*

³¹ *Id.*

³² Etant Dupain, et. al., *Haiti President Jovenel Moise Assassinated in Attack on His Residence*, CNN, July 7, 2021, <https://www.cnn.com/2021/07/07/americas/haiti-president-jovenel-moise-attack-intl/index.html>.

³³ The World Factbook, *Haiti*, CIA, Nov. 15, 2022, <https://www.cia.gov/the-world-factbook/countries/haiti/#:~:text=As%20of%20March%202022%2C%20Haiti%20had%20no%20president%2C,km%20%2815%20mi%29%20west%20of%20the%20capital%2C%20Port-au-Prince>.

³⁴ Currently, the Republic of Haiti does not have an elected president. However, the country does have an acting prime minister, Ariel Henry. The Republic of Haiti has a republican-style representative government with an executive, legislative, and judicial branch. At the executive level, the President of Haiti is the Head of State. The President is elected by popular vote and cannot serve two consecutive terms. The Prime Minister is the Head of Government and is appointed by the President and ratified by the National Assembly. The Cabinet is chosen by the Prime Minister in consultation with the President.

³⁵ Luke Taylor, *Haiti Left with No Elected Government Officials as It Spirals Towards Anarchy*, Guardian, Jan. 10, 2023, <https://www.theguardian.com/world/2023/jan/10/haiti-no-elected-officials-anarchy-failed-state>.

³⁶ The World Factbook, *supra* at note 33.

³⁷ Rocio Cara Labrador, et. al., *Haiti’s Troubled Path to Development*, CFR, Sep. 9, 2022, <https://www.cfr.org/backgroundunder/haitis-troubled-path-development>.

³⁸ Natalie Kitroeff, *Gang Warfare Cripples Haiti’s Fight Against Cholera*, Seattle Times, Nov. 19, 2022, <https://www.seattletimes.com/nation-world/gang-warfare-cripples-haitis-fight-against-cholera/>.

³⁹ Renata Segura, *Haiti Needs Help: Foreign Troops Might Be the Least Bad Option*, Foreign Affairs, Dec. 1, 2022, https://www.foreignaffairs.com/haiti/haiti-needs-help?check_logged_in=1.

⁴⁰ UNICEF, *Haiti May Leave More than 2.4 Million Children Unable to Return to School*, UNICEF, Oct. 7, 2022, <https://www.unicef.org/press-releases/increase-violence-and-resurgence-cholera-haiti-may-leave-more-24-million-children#:~:text=PORT-AU-PRINCE%2FPANAMA%2FNEW%20YORK%2C%207%20October%202022%20%E2%80%93%20At%20the,million%20children%20out%20of%20classrooms%2C%20UNICEF%20warned%20today>.

Haitian gangs have blocked all humanitarian corridors and are attacking humanitarians trying to deliver aid. As a result, the United Nations (the “UN”) has been forced to negotiate with gang members. Reportedly, several United Nations International Children’s Emergency Fund (“UNICEF”) employees and their family members have been kidnapped, and their families have been asked to prepare ransom payments in exchange for their return. For months, women and girls have been subjected to gender-based violence—mostly rape—at the hands of gangs.⁴¹

On October 18, 2022, UNICEF classified the situation in Haiti as a Level-2 emergency.⁴² Currently, Haiti has no humanitarian or non-profit organization to assist with the country’s many crises.

Over the past few months, many Haitian migrants have sought refuge in the neighboring Dominican Republic.⁴³ However, under the orders of Dominican Republic President Luis Abinader, Haitian migrants have been repatriated to Haiti.⁴⁴ The deportation of Haitian migrants runs counter to the UN High Commissioner for Human Rights, Volker Türk’s, calls “for deportation to Haiti to stop, given the human rights and humanitarian crises the country is facing.”⁴⁵

On January 1, 2023, the U.S. Department of State (the “State Department”) published a fact sheet detailing U.S.-Haiti relations.⁴⁶ In the fact sheet, the State Department expressly stated that “the United States works to address the root causes of irregular migration from Haiti by helping to create more economic opportunity for Haitians in their own country.”⁴⁷ However, given the mass exodus of Haitian migrants, it does not appear that Haitian nationals believe that the economic support the United States is providing outweighs the dire situation they face by remaining in their native land. Since the Biden-Harris Administration made its announcement, Haitian immigration offices have reportedly experienced an influx of Haitian nationals seeking to obtain travel and identifying documents.⁴⁸ This is difficult considering Haiti does not currently have a functioning government. Without such identifying documents and the technical difficulties of using phones and mobile applications, many prospective migrants may find that

⁴¹ Jess DiPierro Obert, ‘*Women’s Bodies Weaponized*’: Haiti Gangs Use Rape in Spiraling Violence, The Guardian, Nov. 14, 2022, <https://www.theguardian.com/world/2022/nov/14/haiti-gangs-violence-women-rape>.

⁴² Humanitarian UNICEF, *Current L-3 and L-2 Emergencies*, UNICEF, <https://www.corecommitments.unicef.org/level-3-and-level-2-emergencies>.

⁴³ Reuters, *Dominican Republic Steps Up Haitian Deportations, Raising Tensions*, Reuters, Nov. 16, 2022, <https://www.reuters.com/world/americas/dominican-republic-steps-up-haitian-deportations-raising-tensions-2022-11-16/>.

⁴⁴ Carlos Edill Berríos Polanco, *Widespread Panic as Anti-Haitian Decree Goes into Effect in Dominican Republic*, Latino Rebels, Nov. 17, 2022, <https://www.latinorebels.com/2022/11/17/antihaitiandecree/>.

⁴⁵ OHCHR, *Comment by UN High Commissioner Volker Türk on Deportation of Haitians from Dominican Republic*, OHCHR, Nov. 10, 2022, <https://www.ohchr.org/en/press-releases/2022/11/comment-un-high-commissioner-human-rights-volker-turk-deportation-haitians>.

⁴⁶ U.S. Dep’t of State, *U.S. Relations With Haiti*, U.S. Dep’t of State, Jan. 1, 2023, <https://www.state.gov/u-s-relations-with-haiti/>.

⁴⁷ *Id.*

⁴⁸ Evens Sanon, *Haitians Seizing on Legal Path to U.S. Rush to Secure Passport*, L.A. Times, Jan. 11, 2023, <https://www.latimes.com/world-nation/story/2023-01-11/haitians-seizing-on-legal-path-to-us-rush-to-secure-passport>.

applying through the application in their country of origin is a limited option, leading them to leave their homeland anyway.

Prohibiting Haitian migrants from seeking asylum in the United States unless they comply with the new pathways set forth by the Biden-Harris Administration will exacerbate an already distressing situation. We fear that without consideration for the special political and economic conditions in Haiti, many will continue to show up at the border between Mexico and the U.S., and this will prolong the current irregular migration crisis.

D. The Republic of Cuba

Since the early years of the 1959 Cuban Revolution, Cuba has remained a one-party authoritarian state with a government that has restricted freedoms of expression, association, assembly, and other basic human rights.⁴⁹ Over the past year, irregular Cuban migration to the United States has increased.⁵⁰ This is due in large part to Cuba's difficult economic conditions and political repression.⁵¹

In FY2021, CBP reported over 39,000 border enforcement encounters with Cuban migrants and more than 224,000 in FY2022, with the overwhelming majority at the Southwest land border.⁵² Additionally, for the first two months of FY2023, CBP reported over 65,000 encounters with Cuban migrants.⁵³ Moreover, "U.S. maritime interdiction of Cubans [has also] increased, with the Coast Guard reporting 838 interdictions in FY2021[,], 6,182 in FY2022[,], and 3,724 in FY2023] as of December 20, 2022."⁵⁴

In recent weeks, hundreds of Cuban and Haitian migrants have arrived in the United States, specifically in Florida.⁵⁵ However, the governor of Florida, Ron DeSantis, has failed to state publicly what, if anything, the state plans to do about the situation.⁵⁶ Unfortunately, due to the United States and Cuba's lack of diplomatic relations, Cuban migrants who fail to reach U.S. soil and are instead intercepted at sea, will be returned to Cuba to face uncertain futures.⁵⁷

E. The Republic of Nicaragua

⁴⁹ Mark P. Sullivan, *Cuba: U.S. Policy Overview*, CRS, Dec. 28, 2022, <https://www.crs.gov/Reports/IF10045?source=search>.

⁵⁰ Matt Spetalnick, *U.S., Cuba to Hold High-Level Migration Talks in Washington*, Reuters, Apr. 18, 2022, <https://www.reuters.com/world/americas/exclusive-us-cuba-hold-high-level-migration-talks-washington-2022-04-18/#:~:text=%22We%20have%20seen%20a%20significant%20increase%20in%20irregular,and%20maritime%20routes%2C%22%20a%20State%20Department%20spokesperson%20said.>

⁵¹ *Id.*

⁵² Sullivan, *supra* note 49.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Manuel Bojorquez, et. al., *Florida Sees Spike in Migrants Coming from Cuba and Haiti by Boat*, CBS News, Jan. 6, 2023, <https://www.cbsnews.com/news/florida-migrants-boat-cuba-haiti/>.

⁵⁶ Ana Ceballos, *DeSantis Mum on What State Will Do as Cuban, Haitian Migrants Land in South Florida*, Tampa Bay Times, Jan. 6, 2023, <https://www.tampabay.com/news/florida-politics/2023/01/06/desantis-immigration-cuba-haiti-south-keys-biden/>.

⁵⁷ CBS Miami Team, *Coast Guard Removes More than 300 Cuban Migrants from Dry Tortugas National Park*, CBS News, Jan. 5, 2023, <https://www.cbsnews.com/miami/news/coast-guard-removes-more-than-300-cuban-migrants-from-dry-tortugas-national-park/>.

The rise in migration by Nicaraguan migrants is due to the authoritarian rule of President Daniel Ortega, who escalated repression ahead of the country's 2021 elections, in which he claimed victory, and has continued repressing political opponents.⁵⁸ Additionally, poverty, high inflation, declining wages, violence, and the erosion of democracy are also contributing factors.⁵⁹ According to CBP data, by the end of November 2022, more than 180,000 Nicaraguans entered the United States, 60 times more than in 2020.⁶⁰ Since the implementation of Title 42, migrants from Nicaragua have been largely exempt from the controversial policy because the country does not allow deportation flights and Mexico previously refused to accept Nicaraguan migrants.⁶¹ However, under the Biden-Harris Administration's new border security policies, Nicaraguans are subject to expulsion. Like Venezuelans, Nicaraguans who illegally enter the United States and are subsequently expelled to Mexico will not be allowed to return to their homeland of Nicaragua.⁶²

III. Recommendations and Conclusion

While we appreciate and commend the Biden-Harris Administration for committing to improve the United States' immigration system, we would be remiss if we did not overstate our concern with some of the new border enforcement policies the Administration unveiled earlier this month.

As mentioned above, we are particularly concerned by the Administration's continued use of Title 42 to curtail illegal immigration by migrants from LAC countries. This Trump-era relic is discriminatory on its face and has prevented millions of prospective asylum seekers from securing refuge, which they are entitled to under international law.

Moreover, although the Venezuela parole initiative may have been successful as it relates to Venezuela, the Biden-Harris Administration should not use a blanket, one-size-fits-all approach to deal with irregular migration from other countries. What worked for Venezuela is not guaranteed to work for Haiti, Cuba, or Nicaragua, especially considering the unique issues and needs of each of these countries and their inhabitants. Consideration must be given to the individual circumstances of each country and migrant on a case-by-case basis.

Therefore, we respectfully recommend that the Biden-Harris Administration:

- 1) Reconsider expanding Title 42;**
- 2) Reconsider extending the parole process for Venezuelans to Haitians, Cubans, and Nicaraguans;**
- 3) Review the privacy and language access concerns with the CBP One™ mobile application; and**
- 4) Clearly state how and when applications submitted via the CBP One™ mobile application will be processed.**

⁵⁸ Mark P. Sullivan, *Latin America and the Caribbean: U.S. Policy Overview*, CRS, Dec. 29, 2022, <https://www.crs.gov/Reports/IF10460?source=search>.

⁵⁹ Alfonso Flores Bermúdez, et. al, *In Record Numbers, an Unexpected Migrant Group Is Fleeing to the U.S.*, N.Y. Times, Dec. 27, 2022, <https://www.nytimes.com/2022/12/27/world/americas/nicaragua-us-migration.html>.

⁶⁰ *Id.*

⁶¹ *Id.*

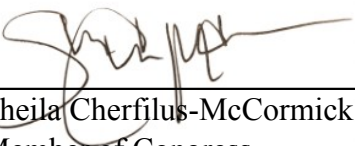
⁶² García, *supra* note 25.

The conditions within each country are different, and they each deserve differentiated treatment, with the benefits of policies favoring migrants.

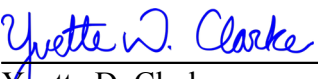
Additionally, we ask that the Administration keep the undersigned Members of Congress informed on any developments regarding this matter, either in writing or in an unclassified or classified briefing.

Thank you in advance for your attention to this critical matter. We appreciate your efforts and are willing and able to provide any support or assistance you may need. Please confirm the receipt of this letter.


Sincerely,




Sheila Cherfilus-McCormick
Member of Congress



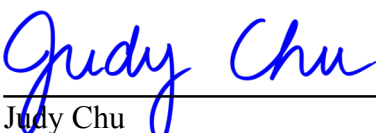
Yvette D. Clarke
Member of Congress




Frederica S. Wilson
Member of Congress



Donald M. Payne, Jr.
Member of Congress



Judy Chu
Member of Congress



André Carson
Member of Congress



Ayanna Pressley
Member of Congress



James P. McGovern
Member of Congress



Dwight Evans
Member of Congress



Sheila Jackson Lee
Member of Congress